

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-051443

04/23/2012

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT  
B. Lambert  
Deputy

IN RE THE MARRIAGE OF  
ANN MARIE SEWELL-SIMS

DOUGLAS G PARKER

AND

GREGORY M SIMS

GREGORY M SIMS  
4615 N 22ND ST # 203  
PHOENIX AZ 85016

MARK MAGIER  
11811 N TATUTM BLVD. STE 3031  
PHOENIX AZ 85028

MINUTE ENTRY

Courtroom 111 NE

9:51 a.m. This is the time set for Return Hearing regarding the recommendations of the Parenting Coordinator. Petitioner/Mother is present, appearing with above named counsel. Respondent/Father is present, appearing on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The status of the case is discussed between the Court, counsel and the parties.

Counsel presents statements to the Court.

Gregory Sims presents statements to the Court.

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Pursuant to the information presented and good cause appearing,

**IT IS ORDERED** until such time that an Evidentiary Hearing is held in this matter on May 17, 2012, Mother or her designee may pick up the minor child on Wednesday's from Father's home for her parenting time anytime before 11:00 p.m. If Mother fails to do so, she shall be responsible for picking the child up on Thursday mornings by 7:00 a.m.

Both parties agree that a hearing of **90 minutes** is sufficient to resolve all of the remaining issues in this case.

**IT IS ORDERED** setting Evidentiary Hearing to the Court on **May 17, 2012 at 2:00 p.m. (90 minutes allowed)** in this Division at:

**Maricopa County Superior Court  
Northeast Regional Court Center  
18380 N. 40th Street  
Courtroom 111  
Phoenix, Arizona 85032**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed in the other party's absence. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 15 days prior to the hearing.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 10 days prior to the hearing.

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3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

**IT IS FURTHER ORDERED** that the parties shall file and provide this Division with a copy of a Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 2 days prior to the hearing. **Each party shall submit their own pre-hearing statement.**

**IT IS FURTHER ORDERED** that the pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of hearing, or to timely present the Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** that, if either party has more than 10 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least 2 days prior to hearing to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a

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written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

**NOTE:** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

10:58 a.m. Matter concludes.

**LATER:**

The Court has before it a faxed pleading from Respondent/Father that the Court cannot consider for the following reason:

- There is no indication on the faxed pleading that a copy has been personally served upon/mailed to Petitioner/Mother as required by Rule 43, *Arizona Rules of Family Law Procedure*. The Court cannot consider an ex parte communication of this nature, nor can it give legal advice.

For the foregoing reasons,

**IT IS ORDERED** rejecting the faxed pleading with no action taken.

The Court has received Mother's Objection to Parenting Coordinator Recommendations and Request for Hearing. Mother's request for an expedited hearing addressed all of the recommendations of the Parenting Coordinator; however, the Court did not adopt the recommendation for an in-camera meeting or the recommendation for the appointment of a GAL. Accordingly,

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**THE COURT FINDS** Mother has not based her request for a hearing on these recommendations regarding an in camera meeting or the appointment of a GAL.

Father did not request a hearing on any issues, although he did file a Response to Mother's objections and Request for Hearing.

Upon further reflection and review,

**IT IS ORDERED** affirming the Court's March 8, 2012 orders as final, except as to the issue of 1) The time, location, and circumstances of the Wednesday parenting time exchange and 2) the extent of Mother's requirement to provide Father with her work schedule.

**IT IS FURTHER ORDERED** appointing Annette Burns as the Parenting Coordinator in the matter. A separate minute entry will issue detailing the appointment.

**IT IS FURTHER ORDERED** that the issues to be address at the May 17, 2012 Evidentiary Hearing shall include the following:

1. The time, location, and circumstances of the Wednesday parenting time exchange,
2. The extent of Mother's requirement to provide Father with her work schedule.

**IT IS FURTHER ORDERED** that Mark Magier is relieved of any further obligations as the Parenting Coordinator in this matter.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.